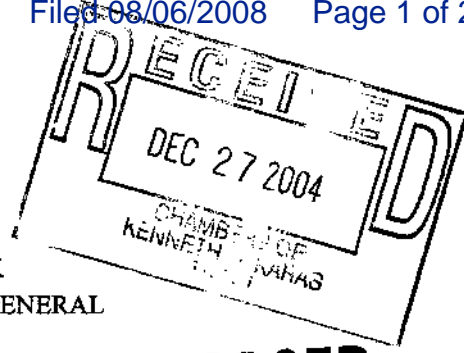




STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL



ELIOT SPITZER
Attorney General

Writer's Direct Telephone No.

MEMO ENDORSED

CRIMINAL DIVISION
Federal Habeas Corpus Section

December 22, 2004

Hon. Kenneth Karas
United States District Judge
United States District Court, Southern District of New York
500 Pearl Street, Room 920
New York, New York 10007

Re: Butler v. Fisher
02 Civ. 5733 (KMK) (KNF)

Your Honor:

On behalf of respondent, I am writing to urge you to adopt the report and recommendation submitted by United States Magistrate Judge Fox in this case. For the reasons stated in the report and recommendation, and in respondent's memoranda of law in opposition to the petition, this case presents no basis for habeas corpus relief.

Respectfully submitted,

Luke Martland (LM 4577)
Section Chief, Federal Habeas Corpus Section
(212) 416-8723

cc: Hon. Kevin Nathaniel Fox
United States Magistrate Judge
United States District Court, Southern District of New York
40 Centre Street, Room 540
New York, New York 10007

*The Clerk is
respectfully requested to
docket this letter.*

So Ordered.

[Signature]
7/30/04

Clerk of the United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

Mr. Rashan Butler
98 A 5889
Fishkill Correctional Facility
Box 307
Beacon New York 12508